



Burwood Council

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Section 149 (2) Certificate
Property: 33 Park Road BURWOOD 2134

Certificate No.: 10098
Certificate Date: 02/06/2014

Proposed Deemed State Environmental Planning Policies:

There are no proposed Deemed SEPPs applying to the land.

1(3). DEVELOPMENT CONTROL PLANS

The following development control plan applies to the carrying out of development on the land:

Council on 12 February 2013 resolved to adopt a Burwood Development Control Plan (BDCP). This DCP supports and supplements the Burwood Local Environmental Plan 2012, and applies to all land within the Burwood local government area (LGA), in accordance with the new requirements of Part 3 of the *Environmental Planning and Assessment Act 1979*. The BDCP became effective from 1 March 2013.

2. ZONING AND LAND USE

The identity of the zone under the relevant environmental planning instrument:

R2 - Low Density Residential

Permitted Without Consent in R2: Home occupations; Roads.

Permitted With Consent in R2: Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Hostels; Neighbourhood shops; Recreation areas; Respite day care centres; Semi-detached dwellings; Seniors housing.

Prohibited in R2: Any development not otherwise specified.

Whether any development standards applying to the land fix minimum land dimensions for the erection of a dwelling-house on the land and, if so, the minimum land dimensions so fixed:

No

Whether the land includes or comprises critical habitat:

No



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Whether the land is in a conservation area:

No

Whether an item of environmental heritage is situated on the land:

No

3. COMPLYING DEVELOPMENT

Whether complying development may be carried out under each of the codes for complying development in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* in accordance with the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4) and 1.19 of that Policy:

General Housing Code:

Complying development under the General Housing Code may be carried out on the land.

Rural Housing Code:

Complying development under the Rural Housing Code may be carried out on the land.

Housing Alterations Code:

Complying development under the Housing Alterations Code may be carried out on the land.

General Development Code:

Complying development under the General Development Code may be carried out on the land.

Commercial and Industrial Alterations Code:

Complying development under the General Commercial and Industrial Alterations Code may be carried out on the land.

Commercial and Industrial (New Buildings and Additions) Code:

Complying development under the Commercial and Industrial (New Buildings and Additions) Code may be carried out on the land.

Subdivisions Code:

Complying development under the Subdivision Code may be carried out on the land.

Demolition Code:

Complying development under the Demolition Code may be carried out on the land.



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Fire Safety Code:

Complying development under the Fire Safety Code may be carried out on the land.

Note: The policy also requires that the development be permissible with consent in the relevant land use zone and satisfy all other requirements of the Policy in relation to complying development.

4. COASTAL PROTECTION

Is the land affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*, but only to the extent that Council has been so notified by the Department of Public Works?

No

Whether an order has been made under Part 4D of the *Coastal Protection Act 1979* in relation to emergency coastal protection works on the land (or on public land adjacent to that land), except where the council is satisfied that such an order has been fully complied with:

No

Whether the council has been notified under section 55X of the *Coastal Protection Act 1979* that emergency coastal protection works have been placed on the land (or on public land adjacent to that land), and if works have been so placed, whether the council is satisfied that the works have been removed and the land restored in accordance with that Act:

No

Whether the owner (or any previous owner) of the land has consented in writing to the land being subject to annual charges under section 496B of the *Local Government Act 1993* for coastal protection services that relate to existing coastal protection works:

No

Note. "Existing coastal protection works" are works to reduce the impact of coastal hazards on land (such as seawalls, revetments, groynes and beach nourishment) that existed before the commencement of section 553B of the *Local Government Act 1993*.

5. MINE SUBSIDENCE

Is the land proclaimed to be a mine subsidence district within the meaning of section 15 of the *Mine Subsidence Compensation Act 1961*?

No



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6. ROAD WIDENING AND ROAD REALIGNMENT

Whether the land is land affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the *Roads Act 1993*; or
- (b) any environmental planning instrument; or
- (c) any resolution of the Council:

No

7. COUNCIL AND OTHER PUBLIC AUTHORITY POLICIES ON HAZARD RISK RESTRICTIONS

Is the land affected by a policy adopted by the Council or adopted by any other public authority and notified to the Council for the express purpose of its adoption by that authority being referred to in planning certificates issued by the Council, that restricts the development of the land because of the likelihood of land slip, bushfire, tidal inundation, subsidence, acid sulphate soils or any other risk (other than flooding)?

Yes. All land in the Burwood local government area has an Acid Sulfate Soils classification. For further information, refer to the Acid Sulfate Soils Map of the BLEP 2012.

7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

Whether development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group homes or seniors housing) is subject to flood related development controls:

No

Whether development on the land or part of the land for any other purpose is subject to flood related development controls:

No

Note: Words and expressions under this heading have the same meanings as in the instrument set out in the Schedule to the *Standard Instrument (Local Environmental Plans) Order 2006*.

8. LAND RESERVED FOR ACQUISITION

Is there an environmental planning instrument or proposed environmental planning instrument applying to the land which makes provision for the acquisition of the land by a public authority, as referred to in section 27 of the *Environmental Planning and Assessment Act 1979*?

No



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9. CONTRIBUTIONS PLANS

The following Contributions Plans apply to the land:

Section 94A Contributions Plan for the Burwood Local Government Area (Excluding Burwood Town Centre)

9A. BIODIVERSITY CERTIFIED LAND

Whether the land is biodiversity certified land under Part 7AA of the *Threatened Species Conservation Act 1995*?

No

10. BIOBANKING AGREEMENTS

Whether there is a biobanking agreement entered into under Part 7A of the *Threatened Species Conservation Act 1995* relating to the land of which the Council has been notified by the Director-General of the Department of Environment, Climate Change and Water:

No

11. BUSHFIRE PRONE LAND

The land is not bushfire prone land as defined in the *Environmental Planning and Assessment Act 1979*.

12. PROPERTY VEGETATION PLANS

The Council has not been notified that the property is subject to a property vegetation plan under the *Native Vegetation Act 2003*.

13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

Whether an order has been made under the *Trees (Disputes Between Neighbours) Act 2006* to carry out work in relation to a tree on the land (but only if the Council has been notified of the order):

No



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14. DIRECTIONS UNDER PART 3A

Whether there is a direction by the Minister in force under section 75P(2)(c1) of the *Environmental Planning and Assessment Act 1979* that a provision of an environmental planning instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 4 of the Act does not have effect:

No

15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

If the land is land to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies, whether there is a current site compatibility certificate (of which the Council is aware) in respect of proposed development on the land, and if so, the period for which the certificate is current, and any terms of a kind referred to in clause 18(2) of that Policy that have been imposed as a condition of consent to a development application granted after 11 October 2007:

No

Note: A copy of a site compatibility certificate may be obtained from the head office of the Department of Planning.

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

Whether there is a valid site compatibility certificate (of which the Council is aware), issued under *State Environmental Planning Policy (Infrastructure) 2007* in respect of proposed development on the land, and if so, the period for which the certificate is valid:

No

Note: A copy of a site compatibility certificate may be obtained from the head office of the Department of Planning.

17. SITE COMPATIBILITY CERTIFICATES FOR AFFORDABLE RENTAL HOUSING

Whether there is a current site compatibility certificate (of which the Council is aware), issued for affordable rental housing in respect of proposed development on the land, and if so, the period for which the certificate is current and any terms that have been imposed as a condition of consent to a development application in respect of the land:

No

Note: A copy of a site compatibility certificate may be obtained from the head office of the Department of Planning.



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18. PAPER SUBDIVISION INFORMATION

Whether a development plan under Part 16C of the *Environmental Planning and Assessment Regulation 2000* has been adopted by a relevant authority to apply to the land, or the land is proposed to be subject to a consent ballot:

No

19. SITE VERIFICATION CERTIFICATES

Whether there is a current site verification certificate (of which the Council is aware) in respect of the land, and if so, the matter certified by the certificate, and the date on which the certificate ceases to be current (if any):

No

Note: A copy of a site verification certificate may be obtained from the head office of the Department of Planning.

20. MATTERS ARISING UNDER THE CONTAMINATED LAND MANAGEMENT ACT 1997

Section 59(2) of the *Contaminated Land Management Act 1997* prescribes that the following matters are to be specified in a Section 149 Planning Certificate:

- (a) Is the land to which this certificate relates significantly contaminated land, and if so, the date the certificate was issued?

No

Note: A declaration of significantly contaminated land includes declarations of an investigation area or remediation site issued prior to 1 July 2009.

- (b) Is the land to which this certificate relates subject to a management order, and if so, the date the certificate was issued?

No

Note: A management order includes an investigation order or remediation order issued prior to 1 July 2009.

- (c) Is the land to which this certificate relates the subject of an approved voluntary management proposal, and if so, the date the certificate was issued?

No

Note: An approved voluntary management proposal includes a voluntary investigation proposal or voluntary remediation proposal issued prior to 1 July 2009.



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- (d) Is the land to which this certificate relates subject to an ongoing maintenance order, and if so, the date the certificate was issued?

No

Note: An ongoing maintenance order includes a notice for maintenance of remediation issued prior to 1 July 2009.

- (e) Is the land to which this certificate relates the subject of a site audit statement, if a copy of such a statement has been provided at any time to the local authority issuing the certificate?

No

Brian Olsen

Brian Olsen

MANAGER BUILDING & DEVELOPMENT

Per: Robert Gooney

Appendix E

Aerial Photographs

Phase 1 Site Contamination Assessment

MCL School Burwood, 45 Park Road



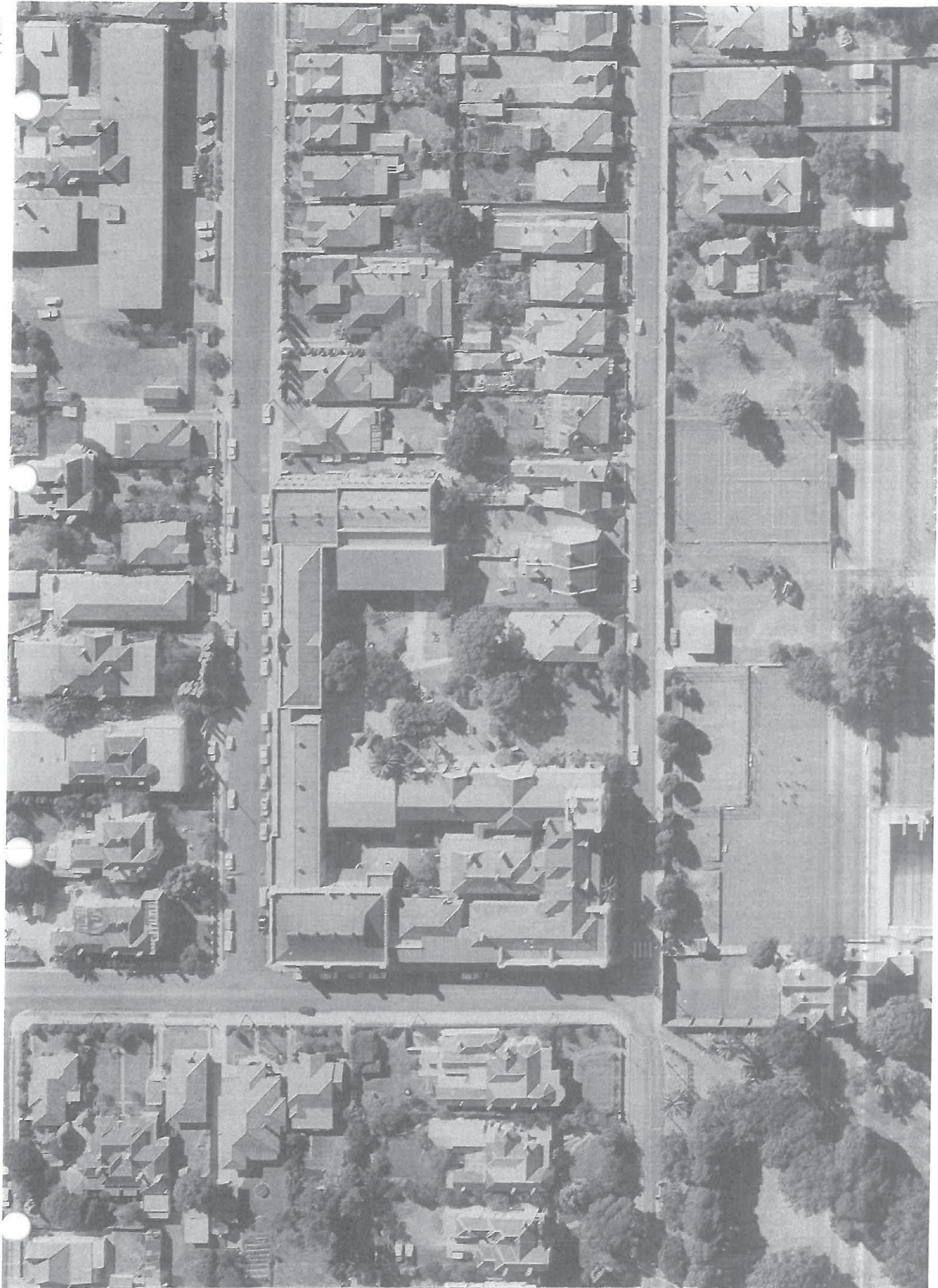
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